

**In The Matter Of:**  
*Cheri Marie Hanson vs.*  
*Daniel Best, et al.*

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*Officer Daniel Best*  
*June 20, 2016*

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*Min-U-Script® with Word Index*

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1 Q. Now, when you arrived at the Hy-Vee,  
2 was your audio turned on, as well, or how --  
3 A. **It's -- because I'm not working today,**  
4 **but there would be a microphone in here (indicating).**  
5 Q. Okay.  
6 A. **And you hit a red button to activate**  
7 **it.**  
8 Q. And your microphone was activated. Is  
9 that correct?  
10 A. **Yeah.**  
11 Q. Now, looking at you -- are you in the  
12 same type of uniform that you would have been wearing  
13 on January 1 or has it been changed?  
14 A. **It's -- January 1, I would have had**  
15 **layers of clothing on, including a sweater.**  
16 Q. I understand.  
17 A. **Yeah.**  
18 Q. I'm mostly interested in on your right  
19 shoulder, you have --  
20 A. **Yeah (indicating).**  
21 Q. What is that?  
22 A. **This setup would be the same.**  
23 Q. Okay.  
24 A. **And then on my sweater would be my**  
25 **badge (indicating) and my name tag (indicating).**

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1 Q. Okay. On your right shoulder, what is  
2 that?  
3 A. **This is a lapel mic.**  
4 Q. It's a Motorola what?  
5 A. **It's a lapel mic.**  
6 Q. Okay. Is that for communicating with  
7 the dispatcher --  
8 A. **Yep.**  
9 Q. -- or other squads?  
10 A. **Both.**  
11 Q. Okay. And, then, on your left  
12 shoulder, which is empty, you have a leather container  
13 attached to your epaulette.  
14 A. **Uh-huh.**  
15 Q. What does that contain normally if you  
16 were on duty?  
17 A. **That's where the microphone goes.**  
18 Q. Okay.  
19 A. **It's roughly the same size as this**  
20 **(indicating).**  
21 Q. Okay.  
22 A. **You just pull it up (indicating), put**  
23 **the microphone in, and lock it into place.**  
24 Q. All right. And the microphone, then,  
25 is that in sync with the video on your dash cam?

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1 A. **Should be.**  
2 Q. Okay.  
3 A. **That's a software thing.**  
4 Q. Yeah. But it's intended to be?  
5 A. **Yes.**  
6 Q. It's supposed to be?  
7 A. **Right.**  
8 Q. If it's operating correctly, it would  
9 be?  
10 A. **Right.**  
11 Q. On January 1, 2013, to your knowledge,  
12 was your dash cam and your audio mic working properly?  
13 A. **To the best of my knowledge.**  
14 Q. Okay. To the best of your knowledge,  
15 the audio recorder and the dash cam would have been  
16 working together in sync?  
17 A. **Correct.**  
18 Q. Okay. Now, at about 4:44/4:45 a.m. on  
19 January 1st, you entered the Hy-Vee entryway. Is that  
20 correct?  
21 A. **Yes.**  
22 Q. And when you entered the Hy-Vee, people  
23 were inside the front cart area of the store. Is that  
24 correct?  
25 A. **I believe Christopher Ahl was. Memory**

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1 **serves there was people on the other side of the**  
2 **window that were in the store, including some**  
3 **employees.**  
4 Q. Okay. To the best of your  
5 recollection, was Christopher Ahl the only person that  
6 would have been in the actual cart area of the store  
7 when you first came in?  
8 A. **I couldn't be positive. Because I**  
9 **would have came in on and Andrew and then saw**  
10 **Christopher, I think, like, 10 or 15 feet away.**  
11 Q. Now, the front cart area of the Hy-Vee  
12 store is at the front entry area of the Hy-Vee,  
13 correct?  
14 A. **Correct. On the south side of the**  
15 **building.**  
16 Q. Okay. Now, before you arrived at the  
17 Hy-Vee, did you have an understanding whether  
18 Andrew Layton had entered the main area of the store?  
19 A. **No. I just went with what the**  
20 **information was. It came in as a suspicious person**  
21 **sleeping in the front entry, which is not untypical**  
22 **for downtown Hy-Vee because of our homeless**  
23 **population.**  
24 Q. Okay. Were you aware or did you have  
25 any information to suggest that before you arrived at

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1 the store, Andrew had made any type of a commotion at  
2 the store?  
3 **A. No.**  
4 Q. In fact, he hadn't, based on your  
5 investigation or whatever, he had not made any type of  
6 a commotion at the store prior to you arriving. Is  
7 that a fair statement?  
8 **MR. FLYNN:** Objection. Foundation.  
9 **THE WITNESS:** Him sleeping in the front  
10 entry at 4:30 in the morning is a commotion for the  
11 staff.  
12 **BY MR. BEHRENBRINKER:**  
13 Q. Okay. Well, the staff didn't call you,  
14 did --  
15 **A. No.**  
16 Q. And the staff didn't --  
17 **A. It was the cab driver.**  
18 Q. It was such a commotion, the staff  
19 wasn't even aware of it?  
20 **MR. FLYNN:** Objection. Argumentative.  
21 **BY MR. BEHRENBRINKER:**  
22 Q. Is that true?  
23 **MR. FLYNN:** Foundation.  
24 **BY MR. BEHRENBRINKER:**  
25 Q. Is that correct, sir?

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1 **A. Say it again. I'm sorry.**  
2 Q. The staff wasn't even aware that Andrew  
3 was sleeping in the cart area, correct?  
4 **A. I'm assuming --**  
5 **MR. FLYNN:** Objection. Foundation.  
6 **BY MR. BEHRENBRINKER:**  
7 Q. Isn't that correct, sir?  
8 **A. I don't know.**  
9 Q. Okay. Did anyone tell you that, before  
10 you arrived, Andrew had created any type of a  
11 disturbance inside the Hy-Vee store?  
12 **A. No.**  
13 Q. Okay. Did anyone tell you or give you  
14 any information to suggest that Andrew had exhibited  
15 any type of rowdy behavior at the Hy-Vee store prior  
16 to your arrival?  
17 **A. No, sir.**  
18 Q. Okay. Had anyone suggested or told you  
19 that Andrew had verbally threatened anyone at the  
20 Hy-Vee store prior to your coming?  
21 **A. No. The knowledge that I had was a**  
22 **suspicious person sleeping in the front lobby. That**  
23 **was the only information I had --**  
24 Q. I understand that. I'm just trying to  
25 ask my questions.

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1 **A. No, I -- okay.**  
2 Q. Had anyone told you or given you any  
3 information to suggest that, prior to your arrival,  
4 Andrew had been abusive in any way toward anyone else?  
5 **A. At the store?**  
6 Q. At the store.  
7 **A. No.**  
8 Q. Okay. Had anyone suggested or told you  
9 that, prior to your arriving, Andrew had disturbed the  
10 peace --  
11 **A. No.**  
12 Q. -- of anyone at the store?  
13 **A. No.**  
14 Q. Okay.  
15 **MR. FLYNN:** Make sure you let him  
16 finish his question before you start to answer.  
17 **THE WITNESS:** I will.  
18 **BY MR. BEHRENBRINKER:**  
19 Q. When you entered the store, do you  
20 remember people laughing at Andrew laying on the floor  
21 sleeping?  
22 **A. Only after I reviewed the video.**  
23 Q. Okay.  
24 **A. That's not from my immediate memory.**  
25 Q. Okay. So you have a recollection after

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1 you've reviewed -- would that have been the cell phone  
2 video?  
3 **A. Yes.**  
4 Q. So you viewed the cell phone video and  
5 based upon your viewing of that, it refreshes your  
6 memory that when you came in the store, people were  
7 laughing at Andrew sleeping in the cart area. Is that  
8 a fair statement?  
9 **A. Yes.**  
10 Q. Now, when you came into the store,  
11 Andrew was curled up in a fetal position snoring -- or  
12 sleeping and snoring, correct?  
13 **MR. FLYNN:** Objection. Foundation.  
14 **BY MR. BEHRENBRINKER:**  
15 Q. Correct?  
16 **A. Yes.**  
17 Q. Okay. And when you came into the  
18 store, Andrew was wearing a winter coat or a winter  
19 jacket. Is that correct?  
20 **A. It was kind of like a hoodie. I don't**  
21 **know if it was -- I would call it a jacket.**  
22 Q. Okay. But it was a winter coat?  
23 **A. Yeah. It was a hoodie.**  
24 **MR. FLYNN:** Objection. Asked and  
25 answered.